

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

vs.

CIVIL NO. 10-976 JC/LFG
CRIM. NO. 07-1010 JC

HERBERT I. PERKINS,

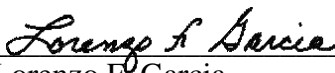
Defendant-Movant.

ORDER ESTABLISHING DEADLINE FOR REPLY

THIS MATTER comes before the Court *sua sponte*. On December 17, 2010, Plaintiff-Respondent United States (“United States”) filed a Response [Doc. 7] to Petitioner Perkins’s Motion to Vacate. Shortly thereafter, the United States notified the Court by letter that Defendant-Movant Perkins (“Perkins”) may not have been served with a copy of the Response on the date it was filed, but that a copy was mailed to Perkins at his current address on December 22, 2010. The United States further stated that it has no objection to extending Perkins’s time to file a Reply to the Response.

Rule 5(d) of the Rules Governing Section 2255 Proceedings for the United States District Court provides that “[t]he moving party may submit a reply to the respondent’s answer or other pleading within a time fixed by the judge.” No time was previously set for Perkins to file a Reply; however, in the interests of clarity, and of ensuring that Perkins has sufficient time to respond to the United States’s brief, the Court will now establish a deadline for Reply.

IT IS THEREFORE ORDERED that Defendant-Movant Perkins will have until January 31, 2011 to file a Reply to the United States’s Response. If he does not file a Reply by that date, the Court will assume he does not wish to reply and will proceed to consider the case on the basis of the pleadings filed as of that date.



Lorenzo F. Garcia
United States Magistrate Judge